

General Permit for Minor Coastal Structures

DEEP-OLISP-GP-2015-01

Issuance Date: October 26, 2015
Expiration Date: October 26, 2035

Bureau of Water Protection and Land Reuse
Office of Long Island Sound Programs
860-424-3034

CENTRAL PERMIT PROCESSING UNIT
DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION
79 ELM STREET
HARTFORD, CT 06106-5127

(e) *Notification of Harbor Management Commission*

The registrant shall submit a complete copy of the registration and attachments to the harbor management commission, if applicable, in the town where the work is proposed at the time the registration is filed with the commissioner.

(f) *Additional Information*

The commissioner may require a registrant to submit additional information, which the commissioner reasonably deems necessary to evaluate the consistency of the subject activity with the requirements for authorization under this general permit.

(g) *Action by Commissioner*

- (1) The commissioner may reject without prejudice a registration if it is determined that it does not satisfy the requirements of Section 4(c) of this general permit or more than thirty days (30) have elapsed since the commissioner requested that the registrant submit additional information or the required fee and the registrant has not submitted such information or fee. Any registration refiled after such a rejection shall be accompanied by the fee specified in Section 4(c)(1) of this general permit.
- (2) The commissioner may disapprove a registration if it is found that the subject activity is inconsistent with the requirements for authorization under Section 3 of this general permit, or for any other reason provided by law.
- (3) Disapproval of a registration under this subsection shall constitute notice to the registrant that the subject activity may not lawfully be conducted or maintained without the issuance of an individual permit.
- (4) Rejection or disapproval of a registration shall be in writing.

Section 5. Conditions of This General Permit

The permittee shall at all times continue to meet the requirements for authorization set forth in Section 3 of this general permit. In addition, a permittee shall assure that activities authorized by this general permit are conducted in accordance with the following conditions:

(a) *Special Conditions for CONSTRUCTION AND MAINTENANCE OF A 4/40 DOCK OR ACCESS STAIRS authorized in Section 3(a)(1) of this general permit.*

- (1) Such 4/40 dock or access stairs shall be no longer than necessary to achieve reasonable riparian or littoral access to navigable water, and shall not necessarily extend to the maximum allowable reach as provided in paragraph (2), below.

- (2) Such 4/40 dock shall not extend further waterward than the distance to a depth of -4.0 feet mean low water or a distance of 40 feet from mean high water, whichever is shortest, provided that any tie-off pilings may extend beyond such distance.
- (3) Any fixed pier comprising all or part of such 4/40 dock shall be no wider than four (4) feet.
- (4) The waterwardmost floating component of such 4/40 dock shall be no greater than 100 square feet in surface area. Any ramp landing float used in addition to such 100 square foot float shall be no greater than 30 square feet.
- (5) Such 4/40 dock may include a boat lift, hoist or davits, but any such structures shall not extend beyond -4.0 feet mean low water or a distance of 40 feet from mean high water.
- (6) The total surface area of such 4/40 dock shall be no greater than 220 square feet as calculated waterward of the mean high water line. The calculation of the 220 square feet shall be exclusive of any tie-off pilings, berthing area, or boat-lift.
- (7) Any fixed pier comprising all or part of such 4/40 dock shall utilize the minimum number of pilings necessary, consistent with safety and resource protection considerations, and where feasible, shall utilize longer spans on fewer pilings rather than shorter spans on more pilings.
- (8) When such 4/40 dock is located in tidal wetlands, the fixed pier component of such dock shall be constructed such that the lowest horizontal member of the fixed pier is no lower than five (5) feet off the surface of any underlying wetland areas.
- (9) When such 4/40 dock is located in tidal wetlands, no floating components of such dock shall be on or over tidal wetlands.
- (10) For the purposes of this General Permit, a single 4/40 dock per lot shall constitute reasonable riparian or littoral access, where such 4/40 dock is otherwise consistent with the requirements of this General Permit. In addition, such reasonable riparian or littoral access shall not necessarily include the right to full tidal access, the right to moor or dock a vessel of a particular size or multiple vessels, or the right to construct a particular type or size of dock.
- (11) No existing dock is present on the site of such 4/40 dock.
- (12) Such 4/40 dock shall not be used to moor or berth any vessel or floating structure used as an abode, office, workshop or for any other purpose which is not water dependent as defined by section 22a-93(16) of the General Statutes.
- (13) Such 4/40 dock shall be floating or constructed on pilings, in a manner that

does not unreasonably restrict access to or along lands and waters waterward of mean high water.

- (14) Any floating components of such 4/40 dock shall be securely anchored, held in place by piles, or made fast to the shore or fixed pier, to prevent substantial changes in its position.
- (15) Such 4/40 dock and any vessels moored or docked thereto shall not interfere with access to any riparian or littoral property. Such 4/40 dock shall be set back from the extension of adjacent property lines after consideration of available water depths, access and resource protection, in order to avoid conflicts with adjacent property owners.
- (16) Any such 4/40 dock located in the Connecticut River shall not interfere with existing drift net shad fisheries.
- (17) If site conditions provide water depths equal to or greater than -4.0 feet mean low water along a seawall or bulkhead, a non-conforming 4/40 dock may be allowed. Such non-conforming dock shall consist of a 40 square foot platform, a ramp situated parallel with such wall, and a floating dock of no greater than 100 square feet.
- (18) Such 4/40 dock shall maintain a minimum height clearance over the shore at the mean high water mark sufficient to allow public access along the shore, or shall otherwise include a stairway or other provision for public access along the shore.
- (19) Such 4/40 dock or access stairs have not been constructed on or before the date of submission of the registration, unless the commissioner has required submission of such registration in accordance with an Order issued pursuant to section 22a-6 or 22a-363f of the General Statutes.
- (20) Such 4/40 dock or access stairs shall not include or comprise any structure not used for riparian or littoral access such as a gazebo, deck, viewing platform, patio, or walkway.
- (21) Such 4/40 dock or access stairs, once constructed, shall constitute a “permitted structure” for the purposes of section 22a-363b of the General Statutes.
- (22) Such 4/40 dock or access stairs shall not be constructed on or over submerged aquatic vegetation.
- (23) Such 4/40 dock or access stairs shall not be located on any right-of-way or easement.
- (24) Such 4/40 dock or access stairs shall be designed to allow most wave and current energy to pass through or under the structure and to prevent scouring of the adjacent areas.

- (25) Treatment and use of timbers, pilings or other treated wood components used in the construction of such 4/40 dock or access stairs shall be consistent with all applicable federal and state standards regarding such material and application.
- (26) Such access stairs shall not include any support piles, footings, or landings which are located on or over tidal wetlands.
- (27) Such access stairs shall not interfere with public access along the shore at or below the high water mark.
- (28) Where possible, such access stairs shall be set back from the property lines in order to avoid conflicts with adjacent property owners.
- (29) Any such access stairs affixed on the waterward side of a wall, revetment or bulkhead shall be oriented parallel with the existing wall, revetment, or bulkhead and shall not extend perpendicularly. No part of such access stairs shall be wider than four (4) feet, except landings which may be no wider than five (5) feet. No part of such access stairs shall extend further than six (6) linear feet waterward from the toe of the existing wall.
- (30) No existing access stairs are present on the site of such access stairs.

(b) Special Conditions for PLACEMENT, REMOVAL AND REPLACEMENT OF A NON-HARBOR MOORING authorized in Section 3(a)(2) of this general permit.

- (1) Such mooring shall not be placed within a federally-designated navigation channel and shall not create a hazard to or interfere with existing navigation uses in any waterway, including channels, turn basins, fairways, or transient anchorages.
- (2) Such mooring shall not be located on or over submerged aquatic vegetation.
- (3) Such mooring is not rented and no other charge by the permittee is made for its use, and it is not used for any commercial purpose.
- (4) Such mooring shall be easily identified by boaters and shall be maintained on tackle and anchors sufficient to prevent such mooring from changing position.
- (5) Such mooring shall not be used by any boat, barge, or other structure or vessel which is neither used for nor capable of safe navigation except for emergency purposes.
- (6) Such mooring shall be inspected annually to ensure the integrity of the components.
- (7) Any such mooring located in the Connecticut River shall not interfere with existing drift net shad fisheries.